



David Banes <davidgbanes@gmail.com>

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## Banes v. Banes emergency motion to dismiss

3 messages

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David Banes <davidgbanes@gmail.com>

Sat, Jun 2, 2012 at 9:37 AM

To: Victorino Torres <pacifclaw@hotmail.com>, TORRES BROTHERS <torresbrothers@lycos.com>

Cc: rex kosack <rex.kosack@kosacklaw.com>, O'Connor Bob <obdb\_spn@hotmail.com>, "josephhorey@Pacific-Lawyers.com" <josephhorey@pacific-lawyers.com>

Vic,

We have your notice of removal filed yesterday (Friday).

As required by the Local Rules we are hereby providing you with notice that we will be filing on Monday hopefully but certainly no later than Tuesday June 5th an emergency motion to dismiss as your removal is patently not appropriate and time barred as the existence of diversity was clear from the face of the Complaint, thus triggering the 30 day rule and there has been no amended pleading anyway that could possibly restart the 30 day jurisdictional limitations period. If you have case law that you believe supports your removal, please share it with me so that I can review it and perhaps be convinced of your argument. Otherwise, based on the research I have done, we will proceed with the emergency motion to dismiss in order to preserve the June 19th trial date.

Thank you

David

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David Banes, Esq.  
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David Banes <davidgbanes@gmail.com>

Sat, Jun 2, 2012 at 10:29 AM

To: Victorino Torres <pacifclaw@hotmail.com>, TORRES BROTHERS <torresbrothers@lycos.com>

Cc: rex kosack <rex.kosack@kosacklaw.com>, O'Connor Bob <obdb\_spn@hotmail.com>, "josephhorey@Pacific-Lawyers.com" <josephhorey@pacific-lawyers.com>, mokx0001 <mokx0001@umn.edu>

Vic,

I forgot to add another point, you will note that I am not asking anything from Oxana in my Petition. Hence the

**Exhibit "F"**

Court anyway does not have diversity jurisdiction as I did not request anything let alone \$75,000.00.

David

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**David Banes** <davidgbanes@gmail.com>  
To: mokx0001 <mokx0001@umn.edu>

Sat, Jun 2, 2012 at 10:29 AM

see below

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